

Notice of Allowability

Application No.

10/757,877

Examiner

Paul D. Kim

Applicant(s)

FEIST ET AL.

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/16/2007.
2. ☒ The allowed claim(s) is/are 18-22 and 24-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Paul D. Kim
Primary Examiner
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DETAILED ACTION

This office action is a response to the appeal brief filed on 1/16/2007.

Election/Restrictions

1. Since generic claim 18 is allowable, claim 27, directed to the forming a data storage medium method, previously restricted from the election of species mailed on 8/28/2006, are now subject to bring rejoined. Claims 18-27 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Curbelo on 5/7/2007

IN THE CLAIM

Re. Claim 18: After the phrase "sinusoidal loading" as recited in line 7, change a period "." to --;--.

Insert a new phrase in line 8, --wherein the storage medium has a thickness of up to about 1.2 mm--.

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Re. Claim 22: After the phrase "thermoset coating" as recited in line 2, change the phrase "on a side of the plastic surface opposite the core" to --wherein the plastic surface is between the thermoset coating and the core--.

Re. Claim 23: Cancelled.

Re. Claim 24: After the phrase "method of Claim" as recited in line 1, change the phrase "23" to --18--.

Re. Claims 28-30: Cancelled.

2. The following is an examiner's statement of reasons for allowance: The prior art of record fails to disclose the claimed invention such as the data storage medium having a substrate including a plastic surface and a performed core made of injection molding has an axial displacement of less than 500 μ under shock or vibration excitation when excited by a 1 G sinusoidal loading when the data storage medium has a thickness of up to about 1.2 mm. The closest reference of Sandstrom teaches a process of making an optical data storage disk having a substrate formed by bonding two or more layers together, not by injection molding. The other closest reference of Marchon teaches a process of forming a data storage medium having a substrate including a plastic surface and a performed core made of an injection molding has an axial displacement of less than 500 μ under shock or vibration excitation when excited by a 1 G sinusoidal loading when the data storage medium has a thickness of up to about 1.2 mm. Therefore, it is not obvious taken alone or in combination of other references fairly to suggest the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Claims 18-22 and 24-27 are allowed.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Thursday between 6:00 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul D Kim
Primary Examiner
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